



Clark County Department of Building & Fire Prevention

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Division:	Building Division – Inspection Services	Policy & Procedure	BI-PP-040
Subject:	ENFORCEMENT	Effective Date:	01/01/1990
Code:	N/A	Revised Date:	07/14/2015

POLICY:

The department shall work through a documented procedure to resolve violations of the adopted building codes in a timely manner. Violations which cannot be resolved shall be directed forth for appropriate legal action.

Enforcement Posture:

In the event public safety is placed in potential jeopardy, the department may issue various enforcement documents and orders as specified herein.

Enforcement actions represent the sequence of legal steps taken to obtain code compliance. The department's procedural goal is to (1) clearly identify the issues; (2) identify corrective actions to resolve; (3) assess penalties; (4) allow adequate time to comply; (5) follow up to ensure compliance; and (6) establish closure.

Enforcement actions and documentation shall be in accordance with this policy and procedure.

PROCEDURE:

Work progressing under active permits shall be in compliance with the Clark County Building Administrative Code (CCBAC). Routine inspections shall be in accordance with department procedures recorded in Naviline. When routine inspections fail to achieve compliance, the following procedures will be initiated.

Enforcement Action:

Activity	Action Step
Correction Notice	1. Discrepancy with permitted work documented by the building inspector.
Non-Compliance Report	1. Discrepancy with permitted work – documented by the Quality Assurance Agency (QAA) Special Inspector.
Notice of Violation	1. Code violation of permitted work requiring a time specific correction. 2. Failure to comply with previously issued Correction Notice. 3. Failure to resolve issues specified in NOV – Complaint Report. 4. Work which exceeds the scope of a valid permit. 5. Work commenced for which a permit is required and has not been issued.
Stop Work Order	1. Work covered or concealed without inspection or for which discrepancies have been documented and are unresolved. 2. Unsafe structure or an immediate threat to public safety. 3. Failure to comply with Notice of Violation or Stop Work Order requirements.
Citation*	1. Failure to comply with Notice of Violation or Stop Work Order requirements. 2. An immediate threat to public safety.

**This may be determined by the DA to be a Criminal Complaint rather than a Citation.*

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Correction Notice

The Correction Notice is the typical first step in the enforcement process. The inspector shall issue a Correction Notice when work does not conform to approved construction documents. The Notice shall describe one or more non-complying aspects of the work. The inspector may document minor discrepancies on the inspection ticket result narrative area, providing all required information is noted. The Correction Notice shall describe the non-conforming work in a clear and concise manner.

The objective of the Correction Notice is to: 1) identify for the builder exactly what work is not in compliance with the approved construction documents so it may be corrected; 2) identify items to be corrected before the work can proceed; 3) to identify corrections necessary before approval of that portion of the work can be given.

The Correction Notice is published in three copies. The first copy (top sheet) is reviewed for accuracy by the supervisor and entered into the enforcement log book. The supervisor is also responsible to provide a copy of the Correction Notice to Records. The second copy is given to the inspector and the third copy is given to the builder.

The Correction Notice may be resolved in two methods, either by Plans Examination or by Field Inspections. If a plan change or interpretation from Plan Examination resolves the issue, the plans examiner shall enter the comments in the Resolution area at the bottom of the notice form with signature and date. The plans examiner shall provide a copy of the resolved notice to Field Inspections, which will be directed to the area supervisor and then to the inspector. If the correction is made in the field, the inspector is responsible to clear the Notice by writing a brief comment in the "Resolution" area at the bottom of the notice form with signature and date.

The resolved correction notice shall be documented in the inspection history with the Correction Notice number and the method of resolution of the notice. The resolved Correction Notice will then be given to the area supervisor for review. Once reviewed for content and accuracy, the original copy of the Correction Notice will be forwarded to Records by the area supervisor.

NOTE: As stated above, the supervisor shall forward copies of Correction Notices to Records twice:
Once on the day issued and once on the day resolved

Non-Compliance Report

The objective of a Non-Compliance Report is the same as that of a Correction Notice. This notice is issued by the special inspector of the approved third-party quality assurance agency and maintained at the construction site for review by building inspector. Corrective action is documented by the special inspector in a Record of Correction Report. A Non-Compliance Report is equivalent to a Correction Notice with respect to its enforcement standing. A Non-Compliance Report will be placed in records as part of the special inspection final report.

Notice of Violation:

The Notice of Violation is the first step in enforcement when dealing with working without permits. The Notice of Violation is the second step in the enforcement process after a Correction Notice or Non-Compliance Report has been issued but not resolved and represents a more formal notification to the builder. This enforcement document is different from the Correction Notice in that it must always identify a specific code reference and provide a specific date in which to comply.

The Notice of Violation describes a single code violation; if several violations are found at this stage of the enforcement process, then a separate Notice of Violation is issued for each violation. This focus on a single topic allows the Notice to be cleared following corrective action and assists in any subsequent court actions which may be necessary.

The Notice of Violation is published as a 3-part form. The first copy (original) is maintained by the department. The second copy is the inspector's copy and the third copy is given to the builder/owner.

The Supervisor shall review all enforcement notices written by assigned staff members each day for correctness and appropriate code reference(s). Where a job-site address is not readily available (i.e. grading activities) the Assessor's Parcel Number (APN) shall be noted.

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Permitted Work:

For permitted work, issuance of a Notice of Violation requires that a computer inspection request and result are entered recording the issuance. The inspector shall identify the nature of the violation and must include the Notice of Violation number (identified in red at the upper right corner of Notice). A typical inspection history comment would be “NOV #14235 issued for work covered without inspection. To be resolved by (specified *date*).” The issued NOV shall be reviewed by the inspection supervisor. Following review, the supervisor will forward the Notice to Records for inclusion in the permit history.

When the violation is corrected and prior to completion of the job, the inspector is responsible to clear the Notice of Violation by writing a brief comment in the “Disposition” area at the bottom of the form with a signature and date. The inspector will then enter an inspection request in the computer and result this request by noting the N.O.V. # and disposition in the comment field. The completed Notice of Violation will then be given to the area supervisor for review. Once reviewed for content and accuracy, the original copy of the Notice of Violation will be forwarded to Records by the area supervisor for inclusion in the permit history.

It is the area supervisor’s responsibility to track the Notices and ensure that no approved final is given until all Notices are cleared.

NOTE: As stated above, the area supervisor shall forward copies of Notices of Violation to Records twice: once on the day issued and once on the day resolved.

Working Beyond the Scope of a Permit:

A Notice of Violation (NOV) shall be issued when work beyond the scope of a permit is discovered by the field inspector. All NOV’s shall provide a specific date to obtain required permit(s) or to modify the existing permit to cover the scope of additional work. The time frame given shall allow for the time it takes to go through the department’s system to issue a permit, typically 30 to 45 days. The box indicating work without permit shall be marked on the Notice to alert Permit Issue to charge the “Work Without a Permit Fee” (ref. CCBAC 22.02.360) when issuing the permit. The amount of time involved in the investigation of the work shall be entered by the inspector in the designated area on the Notice to alert Permit Issue that investigation fees must be paid before the permit is issued. Contact information of the person receiving a field NOV will be recorded on the face of the NOV in the appropriate location. The completed Notice shall be given by the inspector to their assigned supervisor for review.

The supervisor shall review the Notice for accuracy and completeness and determine if follow up enforcement action should stay with the field or should be assigned to the Administrative Code Enforcement Team (ACET). One copy of the Notice shall be forwarded to the Permit Specialist in ACET (Specialist) indicating whether enforcement action will remain in the field or be assigned to ACET. The Specialist shall set up a case file, make appropriate land file entries, and forward the NOV to records. The case will be assigned to the area supervisor or forwarded to the Lead Inspector for assignment to an ACET member as appropriate.

In the event further investigation time is required following the issuance of the Notice but prior to the issuance of the permit, the associated investigative fees shall be recorded on subsequent NOV’s as described above. Subsequent NOV’s shall be delivered to the Permit Specialist in ACET in the same manner as previously described.

Upon issuance of the appropriate permit(s), the inspector or area supervisor shall be responsible to clear the original Notice of Violation by noting the permit number(s) in the “Disposition” comment area with signature and date. The resolved Notice of Violation shall be reviewed by the area supervisor.

NOTE: The area supervisor shall forward copies of every Notice of Violation to the Specialist at least twice: Once on the day issued and once on the day resolved in addition to intervening notices.

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Work Started and/or Completed Without Permit:

Work started and/or completed without a permit shall be handled as described for work which exceeds the scope of a valid permit as described above.

Stop Work Order:

The Stop Work Order is typically used when there is a serious code violation which could cause an immediate threat to life safety or property damage if uncorrected; or, only after other preliminary steps in the enforcement process have been exhausted. Inspection staff members are required to obtain management approval to issue a stop work order. Division managers are delegated the authority to determine when a Stop Work Order should be issued and shall advise the Director and Assistant Director of issuance in a timely manner.

The Stop Work Order is a single card with a tear-off stub. The body of the card is posted on the structure. The stub is attached to the designated form and maintained by the area supervisor. The area supervisor shall notify the Division Manager that the order was issued. When applicable, a copy of the Stop Work Order shall be provided to the permit holder. The permit holder shall be directed to have the document accompany all revisions or plan changes submitted as a result of the Order.

The Order shall be given by the inspector to their supervisor for review. Following review, the supervisor will forward a copy of the Stop Work Order to Records.

The inspector and area supervisor are responsible for tracking and clearing the document. Following resolution of the Order, the date resolved shall be noted on the Order by the inspector, dated, and signed. The Order shall then be given to the area supervisor for review. Once reviewed for content and accuracy, the Order will be forwarded to Records by the supervisor.

NOTE: The area supervisor shall forward copies of Stop Work Orders to Records twice:
Once on the day issued and once on the day resolved.

Citation/Criminal Complaint:

When determined that site conditions pose an immediate threat to public safety; or, after all reasonable means of gaining compliance have proven unsuccessful, a misdemeanor citation shall be issued.

Exception: In some cases, it may be deemed more appropriate by the District Attorney's Office to issue a summons for Criminal Complaint to the violator rather than a Citation.

The authority to issue citations is restricted to those personnel specifically authorized by the Building Official to do so, and only upon the Building Official's direction in each instance.

The citation document shall be completed in its entirety and in the manner in which trained. The appropriate adopted code section and a brief description of the violation shall be noted. Citations are required to be served to an individual. This individual should be the owner of the company, officer, or managing member for a corporation, LLC, or trust, or a responsible employee that has knowledge of the work and the authority to initiate corrective actions to resolve the violation.

Following issuance of the citation, a concise outline of the situation and/or conditions leading up to the citation issuance shall be prepared by the supervisor and manager. This information accompanied by all associated enforcement action shall be delivered to the DA Civil offices no later than the day following issuance. A copy of all information submitted to the DA shall also be provided to the ACET for origination of or addition to the complaint case file.

NOTE: Citations issued as a result of non-permitted work posing an immediate threat to public safety shall be accompanied by the issuance of a Notice of Violation for the same code violation. This Notice shall be processed and distributed as defined under the heading "Work Started or Completed Without Permit" of this document.

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Citation Court Cases:

The most important factor in preparing for court actions is thorough and accurate documentation. A case file may include any or all of the following:

- Code references;
- Inspection history;
- Copies of all enforcement actions;
- Project related correspondence;
- Photographs;
- Case data from other departments, such as property ownership certificate, zoning conditions, previous certificates of occupancy or temporary occupancy, or CPRO actions.

Recommended guidelines of conduct in court or in providing testimony in deposition are as follows:

- Answer truthfully and be brief.
- Admit failure of memory or lack of familiarity.
- Respond only to questions asked.
- Do not elaborate or volunteer information.
- Relax and remain professional.
- Refrain from using humor or acting cocky.
- Refrain from losing temper or getting personally involved.

Revision History:

POLICY #	TITLE	Effective Date	Revised	Reviewed
6.00.40	Enforcement	01/01/1990	01/31/1996	
6.00.40	Enforcement		05/05/2008	
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